IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O NO. 2175 OF 2007
DECIDED ON 22.05.2007

United India Insurance Company Limited

...Appellant

VERSUS

Shiv Nandan and others

...Respondents

CORAM : HON'BLE MR. JUSTICE A. N. JINDAL.

Present: Mr. D.P. Gupta, Advocate,
for the appellant.

A. N. JINDAL, J.

The only grouse of the Company is that deceased was aged about 23 years and was unmarried, at the time of death. While assessing of the multiplier, the Tribunal did not take into consideration age of the parents of deceased.

Having examined the matter in detail, it was observed that the deceased was 23 years old at the time of his death. He was a brilliant student and had passed his M.BA in 2005. He had got employment as Manager, Sales in Madura Coats Private Limited. He had his parents aged about 50 years and 45 years respectively, one brother and one sister namely Ms. Dolly and Mr. Pulkit, to maintain.

In these circumstances, the Tribunal while applying the multiplier of 16, awarded a compensation to the tune of Rs.7,38,320/- and while applying the multiplier, the Tribunal should have taken into consideration the age of parents of deceased also.

Having given a deep thought to the argument of the counsel for the appellant regarding taking into consideration the age of the parents at the time of applying multiplier, it may be observed that the parents of the deceased are not old one, his father was 50 years old and mother was 45 years old only. They still have to survive for a long time as the normal expectancy in this part of the country is about 70 years. As such, even if their age is taken into consideration, it would not make any difference.

Consequently, taking the age of the parents of the deceased into consideration, to my mind, the multiplier applied by the Tribunal is not on higher side.

As regards to other argument that the Tribunal wrongly assessed the dependency of the unmarried son to 2/3rd towards his parents, it needs notice that the deceased, besides his mother and father, had one brother and sister to maintain, therefore the present dependency of the deceased could not be less then 2/3rd. In any case the Tribunal has already taken his income as Rs.5690/- per month, as against Rs.7460/- per month which he was withdrawing, as per his appointment letter exhibit P-4. It is also a matter of common

experience that with the increase in the age, the income of the deceased must have increased and reached to the double and he would have been able to contribute more towards the dependency of his parents, brother and sister.

As such, no fault can be found in the findings returned by the Tribunal where dependency of 2/3rd has been assessed by taking income of the deceased as Rs.5690/-.

Consequently, the appeal is dismissed.

MAY 22, 2007 **(A.N. JINDAL)**
shalini **JUDGE**